

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Commissioner of Labour – Allegations of corruption against Sri N.M.Panigrahi, Assistant Labour Officer, Circle-II, Anakapalli, Visakhapatnam District - Trapped by Anti Corruption Bureau authorities – Anti Corruption Bureau recommended Prosecution and Departmental action - Charge Memo issued – The individual filed an O.A. No. 6224/2007 in Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad – Retirement benefits released as per Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad – The individual expired on 27.06.2013 – Abate the Departmental action – Orders – Issued.

LABOUR EMPLOYMENT TRAINING AND FACTORIES (VIG) DEPARTMENT

G.O.MS.No. 2.

Dated :13.01.2015.
Read the following

1. From DG, ACB, Hyd Rc.No. 162/RCT-WVP/97, Dated 15.12.1997.
2. Proceedings No. A/6027/97, Dated 12.01.1998 of Dy.Commissioner of Labour, Visakhapatnam.
3. From DG, ACB, Hyd Rc.No. 162/RCT-WVP/97, Dt. 08.09.1998.
4. G.O.Ms.No. 66, LET&F (Lab.IV) Deptt., Dated 13.11.1998.
5. Govt. Memo.No. 1117/Lab.IV.A1/97-6, Dated 13.11.1998.
6. From COL, A.P., Hyde Lr No. AA1/30167/97, Dated 20.09.2000.
7. From COL, A.P., Hyd Lr No. AA1/30167/97, Dated 16.07.2001.
8. Govt. Memo.No. 1153/Vig/98-17, Dated 11.03.2005.
9. Judgment Dt.26.10.2005 of Spl. Judge for ACB cases, Visakhapatnam in C.C.No.1/1999.
10. From DG, ACB, Hyd No. 162/RCT/WVP/1997-S11, Dt. 16.12.05.
11. Govt. Memo.No. 1153/Vig/98-20, Dated 17.01.2006.
12. From Hon'ble APAT, Hyd Interim relief, Dt. 11.10.2007 in O.A.No. 6224/2007 filed by Sri N.M.Panigrahi,
13. Judgment, Dt.10.11.2008 of Hon'ble APAT in O.A.No. 6224/2007.
14. G.O.Rt.No. 1686, LET&F (Lab.IV) Deptt., Dated 27.10.2011.
15. G.O.Rt.No. 825, LET&F (Vig) Deptt., Dated 26.08.2013.
16. From COL, Lr No. J1/30167/1997, Dated 21.01.2014.
17. G.O.Ms.No. 1097, Finance and Planning(FW-Pen1) Dept., dt 22.06.2000

ORDER

In the reference 1st read above, the Director General, Anti Corruption Bureau has informed that Sri N.M.Panigrahi, Assistant Labour Officer, Anakapallim Circle-II, Visakhapatnam District was trapped, when he demanded and accepted Rs. 300/- from the complainant as a bribe, for doing official favour. Hence, the Accused Officer was placed under suspension vide reference 2nd read above.

2. The Director General, Anti Corruption Bureau, Andhra Pradesh, Hyderabad in his final report vide reference 3rd read above, has recommended to prosecute Sri N.M.Panigrahi, Assistant Labour Officer in a court of law and also for departmental action against him, for not maintaining the Registers properly and foisted a false claim against Sri Padala Ganapathi Rao, with an ulterior motive of getting money from him.

3. In the reference 4th read above, Government have accorded sanction for the prosecution of Sri N.M.Panigrahi in court of law under sections 7, 13(2) read with 13(1) (d) of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988). In the reference 5th read above, the Commissioner of Labour, Andhra Pradesh, Hyderabad was requested to initiate departmental action against the Accused Officer for the above said allegations leveled against him.

4. In the reference 6th read above, the Commissioner of Labour, Andhra Pradesh, Hyderabad has informed the Government that the Deputy Commissioner of Labour, Visakhapatnam has issued charge memo to Sri N.M.Panigrahi, on 31.08.2000, for which the Charged Officer has submitted statement of defence on 05.09.2000.

5. In the reference 7th read above, the Commissioner of Labour, Andhra Pradesh, Hyderabad has forwarded departmental enquiry report wherein, it is stated that the charges leveled against Sri N.M.Panigrani, Assistant Labour Officer are not proved.

6. After examining the Enquiry Officer Report and in consultation with advisory Department, Government vide reference 8th read above, have requested the Commissioner of Labour, Andhra Pradesh, Hyderabad to direct the disciplinary authority to serve revised articles of charges in accordance with the draft article of charges furnished by Anti Corruption Bureau authorities, duly canceling the earlier charges memo and conduct inquiry.

7. In the reference 9th read above, the Hon'ble Anti Corruption Bureau Court, Visakhapatnam in it's judgment has pronounced that the accused officer is found not guilty of the charges under sections 7 and 13(1) (d) read with 13(2) of the Prevention of Corruption Act, 1988 and he is acquitted under section 248(1) of Cr.PC.

8. On the request of the Director General, Anti Corruption Bureau, Hyderabad in the reference 10th read above, Government have permitted him to prefer an appeal before the High Court of Andhra Pradesh, Hyderabad on the acquittal orders of the Court of the Special Judge for Anti Corruption Bureau Cases, Visakhapatnam in C.C.No. 1/99, vide reference 11th read above. The appeal No.909/2006 in Hon'ble Andhra Pradesh High Court, Hyderabad is still pending.

9. Aggrieved to the revised charge Memo, Dated 06.02.2007, Sri N.M.Panigrahi, has filed an O.A. No. 6224/2007 in Andhra Pradesh Administrative Tribunal and obtained the following interim orders in the reference 12th read above.

Interim Relief:

"Pending further order, there shall be stay of all further proceedings in pursuance of the memo No.A/6027/97, Dt.6.2.2007 issued by the 3rd respondent including the appearances of the applicant."

10. In the reference 13th read above, the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad has directed the respondents to pay the retiral benefits to the applicant within a period of 8 weeks from the date of receipt a copy of this order. Further, the respondents are at liberty to take the action deemed fit against the applicant under Pension Code, if the order of acquittal is reversed by the Hon'ble High Court of Andhra Pradesh in Criminal Appeal No. 909/2006. With these directions the O.A. is allowed. VMA is dismissed.

11. In view of the above orders of Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad, Government vide reference 14th read above, have released retirement benefits due to Sri N.M.Panigrahi, Assistant Labour Officer (Retd.), subject to outcome of appeal No. 909/2006. Further, in the reference 15th read above, Government have also regularized the suspension period against the individual.

12. In the reference 16th read above, the Commissioner of Labour, Andhra Pradesh, Hyderabad has informed the Government, that Sri N.M.Panigrahi, Assistant Labour Officer (Retd.) expired on 27.06.2013.

13. After careful examination of the matter in detail, in terms of G.O. 17th read above, Government hereby decided to abate the departmental proceedings pending against Sri N.M.Panigrahi, Assistant Labour Officer(Retd.), as he was expired on 27.06.2013.

14. The Commissioner of Labour, Andhra Pradesh, Hyderabad shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.C.SHARMA,
PRINCIPAL SECRETARY TO GOVERNMENT

To

The legal heir of late N.M.Panigrahi, (Retd.) Assistant Labour Officer, through the
Commissioner of Labour, Andhra Pradesh, Hyderabad

The Commissioner of Labour, Andhra Pradesh, Hyderabad.

Copy to:

The Accountant General, Andhra Pradesh, Hyderabad.

The Directorate of Treasures and Accounts, Andhra Pradesh, Hyderabad.

The Secretary, Andhra Pradesh Public Service Commission.

The Secretary, Andhra Pradesh Vigilance Commission, Hyderabad.

Sf/Sc.

//Forwarded :: By order//

SECTION OFFICER